



City Council Meeting Amended Agenda

Tuesday, April 20, 2021

1:30 PM

Virtual Meeting - <https://sanjoseca.zoom.us/j/91325378626>

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Please go to the Clerk's Records Database <https://records.sanjoseca.gov/Pages/Search.aspx> for the final document, or you may also contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the legislate application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 10:00 a.m. the day of the meeting. Those emails will be attached to the Council Item under “Letters from the Public.” Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By Phone: (888) 475 4499. Webinar ID is 913 2537 8626. Click *9 to raise a hand to speak. Click *6 to unmute when called.

Alternative phone numbers are: US: +1 (213) 338-8477 or +1 (408) 638-0968 or (877) 853-5257 (Toll Free)

- 2) Online at: <https://sanjoseca.zoom.us/j/91325378626>

- a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
- b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
- c. When the Mayor calls for the item on which you wish to speak, click on “raise hand.” Speakers will be notified shortly before they are called to speak.
- d. When called, please limit your remarks to the time limit allotted.

For Closed Captions, please visit the City’s YouTube channel:

<https://www.youtube.com/CityofSanJoseCalifornia>, or website livestream

<https://www.sanjoseca.gov/news-stories/watch-a-meeting>.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session

21-731 Closed Session Agenda

1:30 p.m. - Regular Session

- Pledge of Allegiance
- Invocation (District 4)

Andrew Hung, Berryessa Chinese School

- Orders of the Day

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

2.2 Final Adoption of Ordinances.

2.3 Approval of Council Committee Minutes.

2.4 Mayor and Council Excused Absence Requests.

2.5 City Council Travel Reports.

2.6 Report from the Council Liaison to the Retirement Boards.

2.7 21-732 Easement Agreement with the City of Santa Clara for Electrical Utilities.

Recommendation: Adopt a resolution authorizing the City Manager, or their designee, to execute an Easement Agreement with City of Santa Clara, California for electrical utilities installation and maintenance on City-owned property at Assessor's Parcel Number 230-03-101, 230-02-026, and 230-02-007.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts resulting in no physical changes to the environment. (Airport)

2.8 21-733 Amendment to the Equipment Assistance Agreement with San José Stage Company.

Recommendation: Approve a Continuation and First Amendment to extend the term of the Equipment Assistance Agreement with the San José Stage Company so that the organization has until September 25, 2023 to apply for a City building permit for tenant improvements for its renovated theater that will be a part of a mixed-use facility located at 490 South First Street, with no change in the grant amount.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. Council District 3. (Economic Development)

2.9 21-734 Actions Related to Future Residential Solid Waste Agreements and Residential Junk Pickup Service.

Recommendation: (a) Accept the staff report with the amendments to the term sheet with California Waste Solutions (CWS) and GreenTeam of San José to continue current Residential Junk Pickup service citywide.

(b) Adopt a resolution amending Resolution No. 79169, adopted on June 18, 2019, and authorizing the City Manager to:

(1) Negotiate and execute an agreement through June 30, 2036 with CWS, in accordance with the term sheets presented to Council on February 8, 2019, and as amended to include Residential Junk Pickup Service, for single-family dwelling recycling collection and processing in Districts A and C, subject to the appropriation of funds.

(2) Negotiate and execute an agreement through June 30, 2036 with GreenTeam of San José, in accordance with the term sheets presented to Council on January 15, 2019, and as amended to include Residential Junk Pickup Service, for collection of garbage and collection and processing of recyclables for multi-family dwellings citywide, single-family dwellings in District B, and City Facilities, subject to the appropriation of funds.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Project does not involve new significant impacts beyond those analyzed in the above EIRs. File No. PP19-037. (Environmental Services)

2.10 21-735 Award of a Construction Contract for 2021 Local Streets Concrete #2 Project.

Recommendation: (a) Approve award of a construction contract for the 2021 Local Streets Concrete #2 Project, to the low bidder, Spencon Construction, Inc. in the amount of \$1,481,075.
(b) Approve an approximate ten percent contingency in the amount of \$148,000.
CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. Council Districts 2 and 7.
(Transportation)

3. STRATEGIC SUPPORT**3.1 Report of the City Manager, David Sykes (Verbal Report)****3.2 Labor Negotiations Update.**

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 21-736 Actions Related to Agreements for Reimbursement of Food and Necessities Distribution Services. - DROP

Recommendation: (a) Accept the report on the update on the Interagency Food Distribution.
(b) Adopt a resolution authorizing the City Manager to negotiate and execute Agreements for Reimbursement of Food and Necessities Distribution Services with the following cities: Campbell, Cupertino, Gilroy, Los Altos, Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, City of Santa Clara, Saratoga, and Sunnyvale, for various meal preparation, delivery and grocery distribution services from March 18, 2020 through September 30, 2020, for \$1,958,446.70 including the amounts specified in Table 2.0 of the staff memorandum with each jurisdiction and based on the same terms and conditions.
CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Manager)
[Deferred from 1/26/2021 - Item 3.5 (21-142); 2/9/2021 - Item 3.4 (21-228); 2/23/2021 - Item 3.3 (21-316); and 3/23/21 - Item 3.7 (21-503)]
DROP

3.4 21-737 Statement of Policy and City Council Questions for the Prospective Planning, Building and Code Enforcement Department Director.

Recommendation: Adopt a Statement of Policy and City Council Questions related to the selection of a prospective Director of Planning, Building and Code Enforcement as described in the memorandum to Council, in compliance with City Charter Section 411.1.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Manager)

3.5 21-738 Office of Immigrant Affairs Activities and Welcoming San José Plan 2021-2024 Report. - DROP

3.6 21-739 Discussion and Possible Actions Regarding Campaign Finance Regulations - TO BE HEARD LAST

Recommendation: Discussion and proposed action and/or direction to staff regarding strengthening local campaign finance regulations including:
(a) Disclosure of top donors contributing to campaign committees making independent expenditures in municipal elections directly on all electioneering communications;
(b) Enhanced enforcement of electioneering communication and other campaign regulations;
(c) Explore innovative approaches to limiting corruption, or the appearance of corruption, of corporate and special interest spending on municipal elections; and
(d) Explore amending the scope of the Charter Review Commission to include a review of Section 607, Code of Ethics, and to include an evaluation of whether it would be desirable to establish the San José Board of Fair Campaign and Political Practices directly in the Charter.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (City Clerk/City Attorney)
TO BE HEARD LAST

3.7 21-891 Board of Fair Campaign and Political Practices Appointments.

Recommendation: (a) Interview applicants for appointment to the Board of Fair Campaign and Political Practices.
(b) Appoint one (1) applicant to a term ending March 1, 2023.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities, resulting in no changes to the physical environment. (City Clerk)
[Deferred from 4/13/2021 - Item 3.3 (21-699)]

4. PUBLIC SAFETY SERVICES

4.1 21-743 Actions Related to the 2020 Internet Crimes Against Children Award.

Recommendation: (a) Adopt a resolution accepting the Fiscal Year 2020 Internet Crimes Against Children Task Force Award in the amount of \$950,000 and authorizing the City Manager to execute the Grant Agreement and to execute additional amendments and all related documents, including online certificates at time of reimbursement request, without further City Council action.

(b) Adopt the following 2020-2021 Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:

(1) Establish a City-Wide appropriation to the Police Department for the Internet Crimes Against Children State Grant 2020-2021 in the amount of \$834,200; and

(2) Increase the estimate for Revenue from State of California by \$834,200.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment, and File No. PP17-006, Grant Application with no commitment or obligation to enter into an agreement at the time of application. (Police/City Manager)

5. TRANSPORTATION & AVIATION SERVICES

6. ENVIRONMENTAL & UTILITY SERVICES

6.1 21-740 Construction Contingency Increase for the 7382-Digester and Thickener Facilities Upgrade Project at the San José-Santa Clara Regional Wastewater Facility.

Recommendation: (a) Approve a \$14,000,000 increase to the construction contingency amount of \$53,490,625 for a revised total contingency amount of \$67,490,625, increasing the not-to-exceed amount from \$161,415,625 to a total revised contract amount not-to-exceed \$175,415,625 for the 7382 - Digester and Thickener Facilities Upgrade Project.
(b) Adopt the following 2020-2021 Appropriation Ordinance Amendments in the San José-Santa Clara Treatment Plant Capital Fund:
(1) Decrease the Nitrification Clarifier Rehabilitation appropriation to the Environmental Services Department by \$14,000,000.
(2) Increase the Digester and Thickener Facilities Upgrade appropriation to the Environmental Services Department by \$14,000,000.
CEQA: San José-Santa Clara Regional Wastewater Facility Digester and Thickener Facilities Upgrade Project Mitigated Negative Declaration, File No. PP15-055. (Environmental Services/Public Works/City Manager)

7. NEIGHBORHOOD SERVICES

8. COMMUNITY & ECONOMIC DEVELOPMENT

8.1 21-742 Nomination of The Alameda Park/Schiele Avenue Historic District.

Recommendation: As recommended by the Rules and Open Government Committee on March 24, 2021, adopt a resolution nominating the Alameda Park/Schiele Avenue Historic District and directing the Department of Planning, Building and Code Enforcement to initiate the required process and proceedings to establish the Historic District, including necessary outreach to community members and property owners.
CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Davis)
[Rules Committee referral 3/24/2021 - Item G.2]
[Deferred from 3/30/21 - Item 8.5 - 21-672]

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

- (a) **21-741 C19-025 - Conforming Prezoning for Property Located at 15415 Woodard Road and Annexation of Parker No. 28. - TO BE HEARD IMMEDIATELY AFTER CONSENT**

Recommendation: (a) Approve an ordinance rezoning certain real property of approximately 0.28 acre located on the northeast corner of Woodard Road and Calico Avenue (15415 Woodard Road) and adjacent streets, in Santa Clara County, from unincorporated territory designated as a portion of Parker No. 28 to the R-1-8 Single-Family Residence Zoning District.

(b) Adopt a resolution initiating proceedings and setting May 18, 2021, for City Council consideration of the reorganization of territory designated as Parker No. 28, which involves the annexation to the City of San José of approximately 1.36-gross acres of land from Santa Clara County unincorporated territory and the detachment of the same from the appropriate special districts.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report (Resolution No. 76041), the Envision San José 2040 General Plan Final Supplemental Environmental Impact Report (Resolution No. 77617), and addenda thereto. Council District 9. (Planning, Building and Code Enforcement)

TO BE HEARD IMMEDIATELY AFTER CONSENT

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting.
This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.